

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

LES D. BRANNON, ) Case No.:  
Plaintiff, )  
vs. ) COMPLAINT FOR PERSONAL  
AON RISK SERVICES SOUTHWEST, ) INJURIES (AUTO) – UNINSURED  
INC., a foreign corporation; AON RISK ) MOTORIST; (NOT SUBJECT TO  
INSURANCE SERVICES WEST, INC., a ) MANDATORY ARBITRATION)  
foreign corporation; and RED ROCK ) JURY TRIAL DEMANDED  
RISK RETENTION GROUP, INC., a ) PRAYER: \$520,000  
foreign corporation, ) Ch. 48, Sec. 2; ORS 21.160(1)  
Defendants )

Plaintiff demands a jury trial and allege:

1

At all times material, plaintiff Les D. Brannon was operating a semi-truck owned by SWIFT Transportation eastbound on Highway 22 at mile post 12, near Dallas, Oregon and Gary Butler was operating a Ford truck westbound on Highway 22 near mile post 12.

2

On April 13, 2011, Gary Butler (deceased) crossed into the direct lane of traffic in front of the semi-truck and caused a head-on collision. Mr. Butler

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UNINSURED MOTORIST

**KAFOURY & McDougall**  
320 SW Stark, Ste. 202  
Portland, OR 97204  
Fax: 503-224-2673  
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## Exhibit A

1 died as result of the crash. The impact caused plaintiff's vehicle to slide and  
2 roll over into the ditch.

3.

4 At all material times, Gary Butler (deceased) was operating a vehicle that  
5 crashed into the vehicle being operated by plaintiff.

6.

7 At all times mentioned herein, defendant Aon Risk Services Southwest  
8 Inc., is a foreign corporation, and has been an insurance company licensed to  
9 do business in Oregon, and does conduct regular and sustained business in  
10 Multnomah County, Oregon.

11.

12 At all times mentioned herein, defendant Aon Risk Insurance Services  
13 West Inc., is a foreign corporation, and has been an insurance company  
14 licensed to do business in Oregon, and does conduct regular and sustained  
15 business in Multnomah County, Oregon.

16.

17 At all times mentioned herein, defendant Red Rock Risk Retention  
18 Group, Inc., is a foreign corporation and an insurance company licensed to do  
19 business in Oregon, and does conduct regular and sustained business in  
20 Multnomah County, Oregon.

21.

22 At the time of the above-described accident, plaintiff was "an insured"  
23 under the uninsured/underinsured motorist provisions of policies issued by

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Exhibit A

1 defendants, and the defendants are liable to plaintiff for all damages sustained  
2 as a result of the above-described conduct of the underinsured driver.

3 8.

4 At said time and place, Gary Butler (deceased) was negligent in one or  
5 more of the following particulars:

6 (a) In failing to yield the right of way.  
7 (b) In failing to maintain a proper lookout.  
8 (c) In failing to maintain proper and adequate control of his vehicle.  
9 (d) In pulling into oncoming traffic without looking to see if oncoming

10 traffic was approaching.

11 9.

12 As a direct result of Gary Butler's negligence, plaintiff Brannon suffered  
13 the following injuries: cervical facet joint dysfunction and strain, and has  
14 suffered severe emotional distress, including post-traumatic stress disorder.

15 As a result of these injuries, plaintiff has experienced pain, suffering, and  
16 interference with his normal and usual activities, and will permanently suffer  
17 from these injuries, all to plaintiff's noneconomic damages in the amount of  
18 \$500,000.

19 10.

20 As a further proximate cause of the negligence of Gary Butler (deceased)  
21 as a result of the injuries described, plaintiff has suffered to-date as set forth in  
22 paragraph 9, above, plaintiff Brannon has incurred medical expenses in an  
23

1 amount in excess of \$20,000, and will incur future medical expenses in an  
2 amount to be determined at trial.

3 11.

4 Plaintiff obtained the \$25,000 limits of Gary Butler's policy. Defendants,  
5 through SWIFT Transportation, consented to plaintiff's accepting Gary Butler's  
6 policy limits on January 16, 2013.

7 12.

8 Plaintiff's damages exceed \$25,000. Such that Gary Butler was  
9 underinsured at the time of the collision alleged in paragraphs 1-2.

10 13.

11 Plaintiff has performed all conditions precedent necessary to recover  
12 under his policy of insurance with defendant. Plaintiff has made a proof of loss  
13 and demand on defendant for his underinsured motorist benefits and the  
benefits were not tendered.

14 14.

15 Plaintiff gave defendants a proof of loss more than six months prior to  
16 filing this action.

17 15.

18 Plaintiff has performed all conditions necessary to recover under  
19 defendants' policies of insurance. Defendant has breached the insurance  
20 policy by failing to provide underinsured motorist coverage benefits to plaintiff.

21 16.

22 Pursuant to ORS 742.061, plaintiff is entitled to attorney fees from  
23 defendants.

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1 WHEREFORE, plaintiff prays for judgment against defendants in the  
2 amount of \$500,000 in noneconomic damages, \$20,000 in economic damages,  
3 and for his costs and disbursements necessarily incurred herein, and for his  
4 attorney fees.

5 Dated: March 21, 2013.



6  
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